

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

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June 15, 2007

File No.: 1.010834.062.Exmptltr

Ms. Emily Robidart
California Farm Bureau Federation
2300 River Plaza Drive
Sacramento, CA 95833

Dear Ms. Robidart:

The Department of the California Highway Patrol (CHP) received your June 14, 2007, request for exemption for relief from the recently adopted cargo securement regulations in Title 13, California Code of Regulations (13 CCR). Specifically, you requested this relief for the purpose of allowing time for a comprehensive study to be performed to determine if historical load securement practices of the California agriculture industry afford equal or greater levels of load security, as compared to the requirements of the adopted federal cargo securement requirements.

Your request is reasonable and therefore, under the authority contained in 13 CCR Section 1300(e), your request for exemption from the cargo securement regulations in 13 CCR is granted under the following conditions:

1. This exemption applies to the intrastate transportation of perishable agricultural products transported in bins, boxes, and tubs, from the field to the first point of processing or packing.
2. All cargo shall be properly loaded, and containers properly secured to prevent shifting or load spillage.
3. Prior to utilizing this exemption, each motor carrier shall provide their name and California Carrier Identification (CA) number, name and contact number, methodology of securement utilized, via facsimile, to the CHP Commercial Vehicle Section, attention Officer Russell Lumley at (916) 446-4579.

4. Motor carriers utilizing this exemption shall notify Officer Jason Golenor, CHP Commercial Vehicle Section at (916) 445-1865, within 72 hours of any deleterious event involving shifting of containers or loss of cargo, to include:
 - a. Date, time, and location;
 - b. Types of vehicles and cargo containers involved;
 - c. Specific cargo securement devices used;
 - d. Possible reason(s) for the occurrence;
 - e. Motor carrier name and CA Number.
5. A copy of this exemption shall be carried in each transport vehicle and presented immediately upon request of an authorized employee of the CHP, sheriff department or local law enforcement agency.
6. This exemption is valid from 0001 hours June 18, 2007, through 2359 hours, December 1, 2007, and may be extended or rescinded for good cause.
7. Failure to comply with or adhere to all conditions of this exemption will result in the motor carrier's removal from the exemption list maintained by the CHP.
8. On a monthly basis, no later than the 15th of each month beginning July 2007, motor carriers utilizing this exemption shall report the following information for the previous month, to the CHP Commercial Vehicle Section:
 - a. Total number of loads by container type (bin, tub or box) transported under this exemption.
 - b. Total number of miles driven under this exemption.
 - c. Total number of on-highway accidents involving loads transported under this exemption.
 - d. Total number of off-highway accidents involving loads transported under this exemption.
 - e. Total number, by month, of driver hours for loads transported under this exemption.
 - f. Total number of citations received for a loading violation issued to vehicles operating under this exemption.
 - g. Total number of citations received for a mechanical violation for vehicles operating under this exemption.
 - h. Total number of citations received for a driver violations issued to drivers operating vehicle operating under this exemption.
 - i. Total number of all other citations issued for vehicles operating under this exemption.

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Questions regarding this letter should be directed to Sergeant Jim Epperson, Commercial Vehicle Section at (916) 445-1865. Questions may also be sent by e-mail to JEpperson@chp.ca.gov. Information required in condition number 8 of this exemption shall be provided by facsimile at (916) 446-4579 or via e-mail to JGolenor@chp.ca.gov.

A handwritten signature in black ink, appearing to read 'M. L. Brown', with a long horizontal stroke extending to the right.

M. L. BROWN
Commissioner